

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

BRIAN K. YOUNG,
Petitioner,
v.
W. L. MONTGOMERY,
Respondent.

Case No. [15-cv-04780-SI](#)

**ORDER DENYING REQUEST FOR
APPOINTMENT OF COUNSEL**

Re: Dkt. No. 10

Petitioner has requested that counsel be appointed to represent him in this action. A district court may appoint counsel to represent a habeas petitioner whenever “the court determines that the interests of justice so require” and such person is financially unable to obtain representation. 18 U.S.C. § 3006A(a)(2)(B). The decision to appoint counsel is within the discretion of the district court. *See Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir. 1986). Appointment is mandatory only when the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations. *See id.* The interests of justice do not require appointment of counsel in this action. The request for appointment of counsel is DENIED. Dkt. No. 10.

In light of the possibility that petitioner was waiting for a decision on his request for counsel before sending in his traverse, the court now extends the deadline for the traverse. Petitioner must file and serve his traverse no later than **September 23, 2016**.

IT IS SO ORDERED.

Dated: August 17, 2016



SUSAN ILLSTON
United States District Judge